

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARSH USA, INC., a Delaware corporation; and MARSH & MCLENNAN COMPANIES, INC., a Delaware corporation,

Plaintiffs,

vs.

CHAD W. KARASAKI,

Defendant.

CIVIL NO. 08cv. 4195 (56k)

DECLARATION OF STEPHANIE TSUMOTO

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I, STEPHANIE TSUMOTO, declare:

1. I am a Client Representative with Plaintiff Marsh USA Inc.'s ("Marsh's") Honolulu, Hawaii office.

2. I joined Sedgwick on January 29, 1992. Sedgwick was acquired by Marsh in 1999. Since the inception of my employment with Marsh, I have worked in Marsh's insurance brokerage unit, which includes a construction insurance practice.

3. As a Client Representative, my job responsibilities have always included assisting in the solicitation of clients on behalf of Marsh, servicing certain accounts Marsh successfully solicited, and managing the client relationships on the accounts for which I am given responsibility.

4. From April 2005 through his resignation and subsequent departure from the company in March 2008, Chad W. Karasaki ("Karasaki"), the Head of Marsh's Hawaii office, was the leader of Marsh's insurance broking unit.

5. I worked under the supervision of the Client Executive or Client Advisor in charge of a particular account. In cases where the Client Executive was Karasaki, he supervised me directly. In other cases I was under his overall supervision.

6. From 2005 until her resignation in March 2008, one of Client Advisors I worked with was Janet Ng ("Ng").

7. One of the accounts and client relationships for which I was responsible, and on which Ng worked closely with me under Karasaki's overall supervision, was former Marsh client Commercial Plumbing.

8. On or about March 10, 2008, I learned that Karasaki was resigning from Marsh in order to accept employment at Marsh's principal competitor in Hawaii, Aon.

9. Subsequently, on or about March 18, 2008, I was told by Tricia Kamikawa ("Kamikawa") of Commercial Plumbing that Commercial Plumbing would be moving its business from Marsh to Aon. On or about March 19, 2008, Commercial Plumbing did, in fact, file a Broker of Record moving its business from Marsh to Aon.

10. During our subsequent conversation on March 20, 2008, Ms. Kamikawa asked if I would be joining Aon. Kamikawa explained that her inquiry was precipitated by a conversation she had had with Ng, who had resigned from Marsh on March 18, 2008 to accept employment with Karasaki at Aon, in which Ng had indicated to Kamikawa that I was "on the list to be contacted by Aon."

11. Subsequently, I received a telephone call from Helen Otani ("Otani") of Aon.

12. On March 20, 2008, I returned Otani's telephone call. After some personal chit-chat, Otani said that Frank Wirt, a former Marsh Client Executive who had also worked closely with Karasaki in Marsh's construction insurance practice and who, like Ng, had resigned from Marsh to accept employment with Karasaki at Aon on March 18, 2008, had confirmed that she should call me and Mei Chi Ng, another Client Representative employed in Marsh's insurance broking unit, to inquire if we were interested in joining Aon.

13. Otani kept telling me to come to Aon and kept asking me whether I wanted to talk with someone at Aon.

14. Otani said she would ask Chad Karasaki to give me a call.

15. I responded he was not allowed to call me.

16. Otani said she could have a supervisor call me.

17. I said I was not interested in Aon at this time.

18. On April 2, 2008, Phil Luecht ("Luecht") called me on the telephone and asked me whether I wanted to join Aon.

19. I did not know Phil Luecht.

20. Luecht suggested that Debbie Redmond ("Redmond") of Aon's human resources department should call me.

21. On April 4, 2008, Redmond called me and said she got my name from Luecht.

22. Redmond invited me to lunch on April 8, 2008 and told me to choose the place. I asked her whether she knew her way around Honolulu and she said she would figure it out or will ask Chad.

23. On April 7, 2008 Redmond called me to confirm lunch and I told her I decided not to meet with her.

24. I was never approached by Aon before Otani's and Luecht's calls in March and April 2008.

This declaration is made upon personal knowledge and is filed pursuant to 28 U.S.C. § 1746(2). I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 30, 2008 at Honolulu, Hawaii.



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STEPHANIE TSUMOTO

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MARSH USA INC. ET AL. V. CHAD W. KARASAKI (SDNY);  
DECLARATION OF STEPHANIE TSUMOTO